

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
v.) Criminal No. 10-196
) (29 U.S.C. §§ 439(c) & 501(c))
DONALD KOTOUCH)

INDICTMENT

The grand jury charges:

INTRODUCTION

1. At all times material hereto, Amalgamated Transit Union Local (ATU) 1738, was affiliated with the National Amalgamated Transit Union, a labor union which represents transit workers in the United States and Canada. Its members consist of bus, van, subway and light rail operators employed in urban transit, over-the-road, and the school bus industries.

2. At all times material hereto, ATU Local 1738 was a labor organization engaged in an industry affecting interstate commerce.

3. At all times material hereto, the defendant, DONALD KOTOUCH, was the president and business agent of ATU Local 1738.

FILED
OCT - 5 2010

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

COUNT ONE

4. The allegations set forth in paragraphs one through three of this Indictment are incorporated herein as if set forth in full.

5. From on or about May 3, 2005, until on or about February 4, 2009, in the Western District of Pennsylvania, the defendant, DONALD KOTOUCH, while an officer, president and business agent of ATU Local 1738, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use, and for the use of another, moneys, funds, property and assets of ATU Local 1738, to wit, the defendant, DONALD KOTOUCH, unlawfully and without authorization, did embezzle, steal and convert to his own use, union funds for "office rent," "membership benefits," and "expenses," which funds the defendant knew were not for any union benefit, totalling approximately \$18,806.27.

In violation of Title 29, United States Code, Section 501(c).

COUNT TWO

The grand jury further charges:

6. The allegations set forth in paragraphs one through three of this Indictment are incorporated herein as if set forth in full.

7. From on or about May 3, 2005, until on or about February 4, 2009, in the Western District of Pennsylvania, the defendant, DONALD KOTOUCH, as president and business agent of ATU Local 1738, willfully made, and did cause to be made, false entries in records required to be maintained by Section 436 of Title 29, United States Code, that is, the defendant, DONALD KOTOUCH, did prepare and submit false, fraudulent and unauthorized voucher requests for "office rent," "membership benefits," and "expenses," which voucher requests the defendant knew were false and fraudulent.

In violation of Title 29, United States Code, Section 439(c).

A True Bill,



FOREPERSON



DAVID J. HICKTON
United States Attorney
PA ID No. 34524